

Notice of Allowability

Application No.

09/801,908

Examiner

Raymond J Henley III

Applicant(s)

STROBLE ET AL.

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendment filed November 2, 2004.
2. ☒ The allowed claim(s) is/are 1,2,4-11 and 21-23.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND HENLEY III
PRIMARY EXAMINER

AU 1614

EXAMINER'S COMMENT/AMENDMENT

Comment

Applicants' amendment filed under 37 C.F.R. §1.116 on November 2, 2004 has been received and entered into the application. Accordingly, claims 1 and 4-11 have been amended; claims 3 and 13-18 have been canceled and claims 21-23 have been added.

The above amendments and Applicants' remarks at pages 5-7 of the amendment have persuaded the Examiner that all claims currently pending, i.e., claims 1, 2, 4-11 and 21-23, are allowable.

The Examiner's amendment below is being made because improper claim status identifiers have been presented by Applicants (see 37 C.F.R. §1.121(c)). Further, while the claims as originally filed contained the therapeutic indications of claims 1 and 5-11, the specification does not contain this language. Thus the specification has been amended by inserting a paragraph containing the therapeutic indications of the claims. No new matter is introduced by such amendment because the indications were presented in the claims as originally filed. Also, in claim 11 the incorrect spelling of the term "primary" has been corrected. Finally, the title of the invention has been amended to reflect the claimed subject matter.

The reference cited by the Examiner on the attached form PTO-892 is cited to show the general state of the art in effervescent technology.

Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

Art Unit: 1614

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Title:

The current title has been deleted and replaced with

---METHOD OF TREATMENT WITH KETOPROFEN SOLUTION ---.

In the Specification:

At page 5 of the specification, after line 2, the following paragraph has been inserted.

---The ketoprofen solution of the present invention is effective for analgesic treatment of a livestock animal. Also, the ketoprofen solution is effective for the treatment of an animal for rheumatoid arthritis, osteoarthritis, ankylosing spondylitis, acute gouty arthritis, acute tendonitis, bursitis and primary dysmenorrhea. For the above treatments, an effective amount of the ketoprofen solution is administered to the animal.---

In the Claims:

In claim 2, line 1 "(previously amended)" has been changed to ---(previously presented)--

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In claim 11, line 1 "primiary" has been changed to ---primary---

In claims 12, 19 and 20, line 1 "(previously canceled)" has been changed to ---(canceled)-

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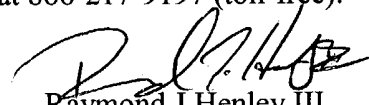
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J Henley III whose telephone number is 571-272-0575.

The examiner can normally be reached on M-F, 8:30 am to 4:00 pm Eastern Time.

Art Unit: 1614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raymond J Henley III
Primary Examiner
Art Unit 1614

November 24, 2004